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EXAMINER

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ART UNIT PAPER NUMBER

2155

DATE MAILED: 01/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/941,582

Applicant(s)

LIBMAN, MARINA

Examiner

Benjamin R Bruckart

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Detailed Action

Claims 1-58 are pending in this Office Action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4-6, 8-21, 24-58 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,678,720 by Matsumoto et al.

Regarding claim 1, a method for transferring data between a data source and a data sink (Matsumoto: col. 5, lines 38-56; source is the information terminal, sink is the receiving and storing entity; transferring of data of the chat system, voice data, text or image data), comprising:

initiating a transfer of a message history data (Matsumoto: col. 5, lines 46-48; information);

transferring said message history data in response to an establishment of a communication channel (Matsumoto: col. 5, lines 46-58; types of data);

converting received message history data to a previously selected data format (Matsumoto: col. 4, lines 49-67; col. 10, lines 13-21); and

storing converted message history data in a previously selected location (Matsumoto: col. 5, lines 53-56; stored at address on the network).

Regarding claim 4, the method for transferring data according to claim 1, wherein said transferring further comprises:

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activating a destination synchronization module in response to the establishment of said communication channel (Matsumoto: col. 5, lines 38-60; synchronization is just a transfer between two entities); and

transferring said data in response to said activation of said destination synchronization module (Matsumoto: col. 5, lines 50-56).

Regarding claim 5, the method for transferring data according to claim 1, wherein said converting further comprises:

providing a plurality of selectable data formats (Matsumoto: col. 4, lines 49-67; col. 10, lines 12-21).

Regarding claim 6, the method for transferring data according to claim 1, wherein said storing further comprises:

providing a plurality of selectable storage locations for storage of said converted message history data (Matsumoto: col. 5, lines 50-56; address).

Regarding claim 8, the method for transferring data according to claim 1, further comprising:

establishing said communication channel over a wired network (Matsumoto: col. 7, lines 44-54).

Regarding claim 9, a method for transferring chat history (Matsumoto: col. 5, lines 38-56; source is the information terminal, sink is the receiving and storing entity), comprising:

initiating a transfer of said chat history (Matsumoto: col. 5, lines 46-48);

transferring said chat history in response to an establishment of a communication channel (Matsumoto: col. 5, lines 46-58);

combining associated data related to said chat history (Matsumoto: col. 7, lines 20-28); and

determining a destination of said chat history (Matsumoto: col. 5, lines 50-56).

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Regarding claim 10, the method for transferring chat history according to claim 9, further comprising:

converting said chat history to a previously selected data format in response to said destination being a current computing platform (Matsumoto: col. 4, lines 49-67); and
storing converted chat history in a location previously determined (Matsumoto: col. 5, lines 50-56).

Regarding claim 11, the method for transferring chat history according to claim 10, further comprising:

transmitting a completion message in response to completion of said storing (Matsumoto: col. 5, lines 57-60).

Regarding claim 12, the method for transferring chat history according to claim 9, further comprising:

attempting to connect to a final destination device in response to said destination being said final destination device (Matsumoto: col. 5, lines 38-60).

Regarding claim 13, the method for transferring chat history according to claim 12, further comprising:

transferring said chat history in response to an establishment of a communication channel with said final destination device (Matsumoto: col. 5, lines 45-52);

converting received chat history to a previously selected data format (Matsumoto: col. 4, lines 49-68); and

storing converted chat history in a previously selected location (Matsumoto: col. 5, lines 53-56).

Regarding claim 14, the method for transferring chat history according to claim 13, further comprising:

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transmitting a completion message in response to completion of said storing (Matsumoto: col. 5, lines 57-60).

Regarding claim 15, a method for synchronizing a message history (Matsumoto: col. 5, lines 38-56), comprising:

- initiating a transfer of said message history (Matsumoto: col. 5, lines 46-48);
- transferring said message history in response to an establishment of a communication channel (Matsumoto: col. 5, lines 46-56); and
- determining a destination of said message history (Matsumoto: col. 5, lines 46-56; address).

Regarding claim 16, the method for synchronizing a message history according to claim 15, further comprising:

- converting said message history to a previously selected data format in response to said destination being a current computing platform (Matsumoto: col. 4, lines 49-67);
- and

- storing converted message history in a location previously determined (Matsumoto: col. 5, lines 53-56).

Regarding claim 17, the method for synchronizing a message history according to claim 16, further comprising:

- transmitting a completion message in response to completion of said storing (Matsumoto: col. 5, lines 57-60).

Regarding claim 18, the method for synchronizing a message history according to claim 15, further comprising:

- attempting to connect to another computing platform in response to said destination being said another computing platform (Matsumoto: col. 5, lines 48-56; address connected via chat network).

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Regarding claim 19, the method for synchronizing a message history according to claim 18, further comprising:

- transferring said message history in response to an establishment of a communication channel with said destination (Matsumoto: col. 5, lines 50-56);
- converting received message history to a previously selected data format (Matsumoto: col. 4, lines 49-67; col. 10, lines 13-21); and
- storing converted message history data in a previously selected location (Matsumoto: col. 5, lines 53-56).

Regarding claim 20, the method for synchronizing a message history according to claim 19, further comprising:

- transmitting a completion message in response to a completion of said storing (Matsumoto: col. 5, lines 57-60).

Regarding claim 21, an apparatus for synchronizing a chat history (Matsumoto: col. 5, lines 38-69), comprising:

- an interface adapted to communicate with a destination device (Matsumoto: col. 5, lines 46-56; Figure 1; col. 7, lines 7-13);
- a memory configured to store said chat history of a messaging program (Matsumoto: col. 6, lines 10-12); and
- a processor, wherein said processor is configured to accept a synchronization request and to transfer said chat history from said memory in response to said an establishment of a communication channel through said interface (Matsumoto: col. 5, lines 38-60; processor is inherent in computing devices as described in col. 7, lines 44-51).

Regarding claim 24, the apparatus for synchronizing a chat history according to claim 21, wherein:

said processor is further adapted to activate a synchronization module on said destination device in response to said establishment of said communication channel and to transfer to said chat history in response to said activation of said synchronization module (Matsumoto: col. 5, lines 38-60).

Regarding claim 25, the apparatus for synchronizing a chat history according to claim 24, wherein said synchronization module of said destination is adapted to receive said chat history (Matsumoto: col. 5, lines 50-56), convert said chat history to a previously selected data format (Matsumoto: col. 4, lines 49-67) and to store converted chat history in a previously selected location (Matsumoto: col. 5, lines 53-56).

Regarding claim 26, a source device for synchronizing a message history (Matsumoto: col. 5, lines 38-60), comprising:

- an interface adapted to communicate with a destination device (Matsumoto: col. 5, lines 46-56; Figure 1; col. 7, lines 7-13);

- a memory configured to store said message history of a messaging program (Matsumoto: col. 6, lines 10-12); and

- a processor, wherein said processor is configured to accept a synchronization request, and to transfer said message history from said memory in response to said an establishment of a communication channel through said interface (Matsumoto: col. 5, lines 38-60; processor is inherent in computing devices as described in col. 7, lines 44-51).

Regarding claim 27, the source device for synchronizing a message history according to claim 26, wherein said processor is adapted to activate a synchronization module on said destination device and to transfer said message history in response to an activation of said synchronization module (Matsumoto: col. 5, lines 38-60).

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Regarding claim 28, the source device for synchronizing a message history according to claim 27, wherein said synchronization module is adapted to determine a destination for said message history (Matsumoto: col. 5, lines 38-56; address).

Regarding claim 29, the source device for synchronizing a message history according to claim 28, wherein said synchronization module is further adapted to combine any associated data related to said history into a combined message history (Matsumoto: col. 7, lines 29-36).

Regarding claim 30, the source device for synchronizing a message history according to claim 29, wherein said synchronization module is further adapted to transfer said combined message history to a final destination device in response to said determining of said destination is said final destination device (Matsumoto: col. 5, lines 38-60).

Regarding claim 31, the source device for synchronizing a message history according to claim 28, wherein said synchronization module is further adapted to transfer said message history to a final destination device in response to said determining of said destination is said final destination device (Matsumoto: col. 5, lines 38-60).

Regarding claim 32, a destination device for synchronizing a message history (Matsumoto: col. 5, lines 38-60), comprising:

- an interface adapted to communicate with a source device (Matsumoto: col. 5, lines 46-56; Figure 1; col. 7, lines 7-13); and

- a processor, wherein said processor is configured to establish a communication channel with said source device through said interface in response to a synchronization request at said source device (Matsumoto: col. 5, lines 38-60; processor is inherent in computing devices as described in col. 7, lines 44-51) and to activate a synchronization module configured to accept said message history from said source device in response to an activation message from said source device (Matsumoto: col. 5, lines 38-60).

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Regarding claim 33, the destination device according to claim 32, wherein said synchronization module is adapted to determine a destination of said message history (Matsumoto: col. 5, lines 38-56; address).

Regarding claim 34, the destination device according to claim 33, wherein said synchronization module is further adapted to combine any associated data related to said message history into a combined message history (Matsumoto: col. 7, lines 20-28).

Regarding claim 35, the destination device according to claim 34, wherein said synchronization module is further adapted to transfer said combined message history to a final destination device in response to said determining of said destination is said final destination device (Matsumoto: col. 5, lines 45-56).

Regarding claim 36, the destination device according to claim 33, wherein said synchronization module is further adapted to transfer said message history to a final destination device in response to said determining of said destination is said final destination device (Matsumoto: col. 5, lines 45-56).

Regarding claim 37. The destination device according to claim 33, wherein said synchronization module is further configured to convert said message history to a pre-selected data format in response to said determining of said destination is said destination device (Matsumoto: col. 4, lines 49-67).

Regarding claim 38, the destination device according to claim 37, wherein said synchronization module is further configured to store converted message history in a predetermined location on said destination device (Matsumoto: col. 5, lines 50-56).

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Regarding claim 39, a system for synchronizing a chat history (Matsumoto: col. 5, lines 38-60), comprising:

- a communication network (Matsumoto: col. 7, lines 7-13);
- a source device configured to transfer said chat history over said communication network (Matsumoto: col. 5, lines 46; information terminal);
- a destination device configured to received said chat history (Matsumoto: col. 5, lines 50-56; sink is the receiving and storing entity);
- a source synchronization module executing on said source device (Matsumoto: col. 5, lines 48-56; information terminal); and
- a destination synchronization module adapted to execute on said destination device (Matsumoto: col. 48-56), wherein said source synchronization module is configured to transfer said chat history in response to an activation of said destination synchronization module by said source synchronization module (Matsumoto: col. 5, lines 48-56).

Regarding claim 40, the system for synchronizing a chat history according to claim 39, wherein said source synchronization module is further configured to initiate transfer of said chat history in response to receiving a synchronization request at said source device (Matsumoto: col. 5, lines 45-56).

Regarding claim 41, the system for synchronizing a chat history according to claim 39, wherein said destination synchronization is configured to determine a destination of said chat history (Matsumoto: col. 5, lines 50-56; address).

Regarding claim 42, the system for synchronizing a chat history according to claim 41, wherein said destination synchronization module is further adapted to combine any associated data related to said chat history into a combined chat history (Matsumoto: col. 7, lines 20-28).

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Regarding claim 43, the system for synchronizing a chat history according to claim 42, wherein said destination synchronization module is further adapted to transfer said combined chat history to a final destination device in response to said determining of said destination is said final destination device (Matsumoto: col. 5, lines 50-56).

Regarding claim 44, the destination device according to claim 42, wherein said synchronization module is further adapted to transfer said chat history to a final destination device in response to said determining of said destination is said final destination device (Matsumoto: col. 5, lines 50-56).

Regarding claim 45, the destination device according to claim 42, wherein said destination synchronization module is further configured to convert said chat history to a pre-selected data format in response to said determining of said destination is said destination device (Matsumoto: col. 4, lines 49-67).

Regarding claim 46, the destination device according to claim 45, wherein said destination synchronization module is further configured to store converted message history in a predetermined location on said destination device (Matsumoto: col. 5, lines 50-56).

Regarding claim 47, a computer readable storage medium on which is embedded one or more computer programs, said one or more computer programs implementing a method of transferring a message history data (Matsumoto: col. 5, lines 48-60; col. 16, lines 29-34), said one or more computer programs comprising a set of instructions for:

- initiating a transfer of said chat history (Matsumoto: col. 5, lines 45-52);

- transferring said chat data in response to an establishment of a communication channel (Matsumoto: col. 5, lines 50-56);

- combining associated data related to said chat history (Matsumoto: col. 7, lines 20-28); and

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determining a destination of said chat history (Matsumoto: col. 5, lines 50-56; address).

Regarding claim 48, the computer readable storage medium according to claim 47, said one or more computer programs further comprising a set of instructions for:

converting said chat history to a previously selected data format in response to said destination is a current computing platform; and storing converted chat history in a location previously determined (Matsumoto: col. 4, lines 49-67).

Regarding claim 49, the computer readable storage medium according to claim 47, said one or more computer programs further comprising a set of instructions for:

transmitting a completion message in response to a completion of said storing (Matsumoto: col. 5, lines 57-60).

Regarding claim 50, the computer readable storage medium according to claim 47, said one or more computer programs further comprising a set of instructions for:

attempting to connect to said destination in response to said destination is not a current computing platform (Matsumoto: col. 4, lines 49-67).

Regarding claim 51, a computer readable storage medium on which is embedded one or more computer programs, said one or more computer programs implementing a method of transferring a chat history (Matsumoto: col. 5, lines 48-60; col. 16, lines 29-34), said one or more computer programs comprising a set of instructions for:

transferring said chat history in response to an establishment of a communication channel with said destination (Matsumoto: col. 5, lines 49-60);

converting received data to a previously selected data format (Matsumoto: col. 4, lines 49-60); and

storing converted chat history in a previously selected location (Matsumoto: col. 5, lines 50-56).

Regarding claim 52, the computer readable storage medium according to claim 51, said one or more computer programs further comprising a set of instructions for:

transmitting a completion message in response to a completion of said storing (Matsumoto: col. 5, lines 57-60).

Regarding claim 53, a computer readable storage medium on which is embedded one or more computer programs, said one or more computer programs implementing a method of synchronizing a message history (Matsumoto: col. 5, lines 48-60; col. 16, lines 29-34), said one or more computer programs comprising a set of instructions for:

initiating a transfer of said message history (Matsumoto: col. 5, lines 45-53);
transferring said message history in response to an establishment of a communication channel (Matsumoto: col. 5, lines 50-56); and
determining a destination of said message history (Matsumoto: col. 5, lines 50-56; address).

Regarding claim 54, the computer readable storage medium according to claim 53, said one or more computer programs further comprising a set of instructions for:

converting said message history to a previously selected data format in response to said destination is a current computing platform (Matsumoto: col. 4, lines 49-67); and
storing converted message history in a location previously determined (Matsumoto: col. 5, lines 50-56).

Regarding claim 55, the computer readable storage medium according to claim 54, said one or more computer programs further comprising a set of instructions for:

transmitting a completion message in response to a completion of said storing (Matsumoto: col. 5, lines 57-60).

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Regarding claim 56, the computer readable storage medium according to claim 54, said one or more computer programs further comprising a set of instructions for:

attempting to connect to said destination in response to said destination is not a current computing platform (Matsumoto: col. 4, lines 49-67).

Regarding claim 57, the computer readable storage medium according to claim 56, said one or more computer programs further comprising a set of instructions for:

transferring said message history in response to an establishment of a communication channel with said destination (Matsumoto: col. 5, lines 50-56);

converting received data to a previously selected data format (Matsumoto: col. 4, lines 49-67); and

storing converted message history data in a previously selected location (Matsumoto: col. 5, lines 50-56).

Regarding claim 58, the computer readable storage medium according to claim 57, said one or more computer programs further comprising a set of instructions for:

transmitting a completion message in response to a completion of said storing (Matsumoto: col. 5, lines 57-60).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,678,720 by Matsumoto et al in view of U.S. Publication No. 2002/0108091 by Flanagan et al.

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Regarding claim 7,

The Matsumoto reference teaches the method for transferring data according to claim 1.

The Matsumoto reference does not explicitly state a wireless network but does teach a network in the broad sense (Matsumoto: col. 7, lines 44-54).

The Flanagan reference teaches establishing said communication channel over a wireless network (Flanagan: page 3, para 25).

The Flanagan reference further teaches the invention overcomes problems with limited memory on wireless and portable devices in order to manage data (Flanagan: page 2, para 21).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the method of transferring data between a source and destination as taught by Matsumoto while employing wireless networks as taught by Flanagan in order to overcome limited memory on wireless and portable devices (Flanagan: page 2, para 21).

Claims 2-3, 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,678,720 by Matsumoto et al in view of U.S. Publication No. 2001/0044820 by Scott.

Regarding claim 2,

The Matsumoto reference teaches the method for transferring data according to claim 1.

The Matsumoto reference does not explicitly state indicating an unavailability in response to a non-establishment of said communication channel.

The Scott reference teaches indicating an unavailability in response to a non-establishment of said communication channel (Scott: page 4, para 40-41).

The Scott reference further teaches the invention notify the contact person and provide a reason (Scott: page 4, para 40-41).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the method of transferring data between a source and destination as taught by Matsumoto while indicating unavailability as taught by Scott in order to notify specified persons with a reason (Scott: page 4, para 41).

Claims 3, 22-23 are rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Matsumoto et al and Scott.

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Regarding claim 3, the method for transferring data according to claim 2, further comprising:

providing a second attempt of establishing said communication channel in response to said unavailability (Scott: page 4, para 41; repeated attempts).

Regarding claim 22, the apparatus for synchronizing a chat history according to claim 21, wherein:

said processor is further configured to report unavailability of said destination device in response to a non-establishment of said communication channel (Scott: page 4, para 40-41).

Regarding claim 23, the apparatus for synchronizing a chat history according to claim 21, wherein:

said processor is further configured to provide a second attempt of establishing said communication channel in response said unavailability of destination device (Scott: page 4, para 41).

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Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U. S. Publication No. 2002/0108091 by Flanagin et al explicitly teaches the independent claims of the invention on pages 4, para 33-34, 38.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R Bruckart whose telephone number 571-272-3982. The examiner can normally be reached on 8:00-5:30 PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-3982.

Benjamin R Bruckart
Examiner
Art Unit 2155
brb
January 7, 2004

BRB

Hosain Alam

**HOSAIN ALAM
SUPERVISORY PATENT EXAMINER**